

Issued in Washington, DC on March 15, 2000.

**Jan Brecht-Clark,**

*Director, Office of Civil Aviation Security Policy and Planning.*

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## DEPARTMENT OF THE TREASURY

### Bureau of Alcohol, Tobacco and Firearms

#### 27 CFR Parts 200, 270, 275 and 290

[Notice No. 893: Ref: Notice No. 887]

RIN 1512-AB99

#### Implementation of Public Law 105-33, Section 9302, Relating to Tobacco Importation Restrictions, Markings, Minimum Manufacturing Requirements, and Penalty Provisions (98R-369P)

**AGENCY:** Bureau of Alcohol, Tobacco and Firearms (ATF), Department of the Treasury.

**ACTION:** Notice of proposed rulemaking; reopening of comment period.

**SUMMARY:** This notice reopens the comment period for Notice No. 887, a notice of proposed rulemaking cross-referenced to temporary regulations, published in the **Federal Register** on December 22, 1999. ATF has received several requests to extend the comment period in order to provide sufficient time for all interested parties to respond to the issues raised in the notice.

**DATES:** Written comments must be received by April 20, 2000.

**ADDRESSES:** Send written comments to: Chief, Regulations Division, Bureau of Alcohol, Tobacco and Firearms, P.O. Box 50221, Washington, DC 20091-0221; Notice No. 893.

**FOR FURTHER INFORMATION CONTACT:** Mr. Daniel J. Hiland, Regulations Division, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue, NW, Washington, DC 20226; Telephone (202) 927-8210.

**SUPPLEMENTARY INFORMATION:** On December 22, 1999, ATF published a notice of proposed rulemaking cross-referenced to temporary regulations in the **Federal Register**. The notice solicited comments from all interested persons regarding temporary regulations that implemented several provisions of the Balanced Budget Act of 1997. Section 9302 of the new law: (1) Places restrictions on the importation of previously exported tobacco products, (2) requires markings on tobacco

products or cigarette papers and tubes removed or transferred without payment of the federal excise tax, (3) provides penalties for selling, relanding, or receiving, within the jurisdiction of the United States, tobacco products or cigarette papers and tubes which have been labeled and shipped for exportation and were removed after the effective date, and (4) authorizes the Secretary to prescribe minimum capacity or activity requirements as a criteria for issuance of a manufacturer's permit. These new provisions of law became effective on January 1, 2000.

The temporary rule implemented these changes in law by providing new and amended regulations in parts 200, 270, 275 and 290 of title 27 of the Code of Federal Regulations (CFR). Additionally, the Bureau of Alcohol, Tobacco and Firearms (ATF) made several other clarifying changes to the tobacco regulations. The temporary rule will remain in effect until superseded by final regulations.

The comment period for Notice 887 closed on February 22, 2000. Prior to the close of the comment period, ATF received several requests to extend the comment period for an additional 30 days. Several interested parties stated that they would need additional time to prepare a full response for their company or client.

In consideration of the above, ATF finds that a reopening of the comment period is warranted. Therefore, the comment period is being reopened for an additional 30 days until April 20, 2000. The Bureau believes that a comment period totaling 90 days is a sufficient amount of time for all interested parties to respond.

#### Disclosure

Copies of this notice, Notice No. 887, and the written comments will be available for public inspection during normal business hours at: ATF Public Reading Room, Room 6480, 650 Massachusetts Avenue, NW, Washington, DC.

*Drafting Information.* This notice was written by Mr. Daniel Hiland, Regulations Division, Bureau of Alcohol, Tobacco and Firearms.

#### List of Subjects

##### 27 CFR Part 200

Administrative practice and procedure, Authority delegations.

##### 27 CFR Part 270

Administrative practice and procedure, Authority delegations, Cigarette papers and tubes, Claims, Electronic fund transfer, Excise taxes,

Labeling, Packaging and containers, Penalties, Reporting requirements, Seizures and forfeitures, Surety bonds, Tobacco products.

##### 27 CFR Part 275

Administrative practice and procedure, Authority delegations, Cigarette papers and tubes, Claims, Customs duties and inspection, Electronic fund transfer, Excise taxes, Imports, Labeling, Packaging and containers, Penalties, Reporting requirements, Seizures and forfeitures, Surety bonds, Tobacco products, U.S. possessions, Warehouses.

##### 27 CFR Part 290

Administrative practice and procedure, Aircraft, Authority delegations, Cigarette papers and tubes, Claims, Customs duties and inspection, Excise taxes, Exports, Foreign trade zones, Labeling, Packaging and containers, Penalties, Surety bonds, Tobacco products, Vessels, Warehouses.

#### Authority and Issuance.

This notice is issued under the authority in 26 U.S.C. 7805.

Dated: March 15, 2000.

**Bradley A. Buckles,**

*Director, Bureau of Alcohol, Tobacco and Firearms.*

[FR Doc. 00-6996 Filed 3-20-00; 8:45 am]

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## DEPARTMENT OF EDUCATION

### 34 CFR Parts 606, 607, and 608

#### Developing Hispanic-Serving Institutions Program, Strengthening Institutions Program, and Strengthening Historically Black Colleges and Universities Program

**AGENCY:** Department of Education.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** We propose to amend the regulations governing the Developing Hispanic-Serving Institutions, Strengthening Institutions, and Strengthening Historically Black Colleges and Universities Programs to incorporate statutory changes made by the Higher Education Amendments of 1998 (1998 Amendments). The 1998 Amendments provide that an institution's use of grant funds for endowment fund purposes under the Developing Hispanic-Serving Institutions, Strengthening Institutions, and Strengthening Historically Black Colleges and Universities Programs can be subject to appropriate requirements under the Endowment Challenge Grant

Program. These regulations propose amendments to implement the statutory changes.

**DATES:** We must receive your comments on or before May 22, 2000.

**ADDRESSES:** Address all comments about these proposed regulations to Darlene Collins, U.S. Department of Education, 1990 K Street, NW, Room 6032, Washington, DC 20006-8512. If you prefer to send your comments through the Internet, use the following address: <http://www.ed.gov/offices/OPE/HEP/idades/title3a.html>

If you want to comment on the information collection requirements you must send your comments to the Office of Management and Budget at the address listed in the Paperwork Reduction Act section of this preamble. You may also send a copy of these comments to the Department representative named in this preamble.

**FOR FURTHER INFORMATION CONTACT:** Darlene Collins. Telephone: (202) 502-7576. If you use a telecommunications device for the deaf (TDD), you may call the Federal Information Relay Service (FIRS) at 1-800-877-8339.

Individuals with disabilities may obtain this document in an alternative format (e.g., Braille, large print, audiotape, or computer diskette) on request to the contact person listed in the preceding paragraph.

#### **SUPPLEMENTARY INFORMATION:**

##### **Invitation to Comment**

We invite you to submit comments regarding these proposed regulations. To ensure that your comments have maximum effect in developing the final regulations, we urge you to identify clearly the specific section or sections of the proposed regulations that each of your comments addresses and to arrange your comments in the same order as the proposed regulations.

We invite you to assist us in complying with the specific requirements of Executive Order 12866 and its overall requirement of reducing regulatory burden that might result from these proposed regulations. Please let us know of any further opportunities we should take to reduce potential costs or increase potential benefits while preserving the effective and efficient administration of the program.

During and after the comment period, you may inspect all public comments about these proposed regulations in 1990 K St. N.W., Room 6032, Washington, DC, between the hours of 8:30 a.m. and 4:00 p.m., Eastern time, Monday through Friday of each week except Federal holidays.

#### **Assistance to Individuals With Disabilities in Reviewing the Rulemaking Record**

On request, we will supply an appropriate aid, such as a reader or print magnifier, to an individual with a disability who needs assistance to review the comments or other documents in the public rulemaking record for these proposed regulations. If you want to schedule an appointment for this type of aid, you may call (202) 205-8113 or (202) 260-9895. If you use a TDD, you may call the Federal Information Relay Service at 1-800-877-8339.

#### **Background**

As amended by the 1998 Amendments, sections 311(d)(3), 323(b)(3), and 503(c)(3) of the Higher Education Act of 1965, as amended (HEA), provide, in effect, that we can subject an institution's use of grant funds for endowment fund purposes under the Developing Hispanic Serving-Institutions, Strengthening Institutions, and Strengthening Historically Black Colleges and Universities Programs to appropriate requirements in the Endowment Challenge Grant Program.

We have implemented the requirements contained in the Endowment Challenge Grant Program in 34 CFR part 628. We propose that §§ 628.3, 628.6, 628.10, and 628.41 through 628.47 contain appropriate requirements for grantees to follow that wish to use part of their grant funds for endowment purposes. However, we believe that applicable provisions in three of these sections need revision for purposes of clarification and to reflect statutory requirements.

Based upon questions we received over the years, we propose to revise the definition of the term "endowment fund income" in § 628.6 to clarify that endowment fund income includes fund appreciation and retained fund earnings, including interest and dividends.

We propose that the institutional match in § 628.10(a) be revised to reflect the statutory requirement that it must be made on at least a one-to-one basis. That is, each grant dollar to be used for endowment purposes must be matched with at least one non-Federal dollar.

We further propose that when an institution decides to use grant funds for endowment fund purposes, unlike the provisions in § 628.41, it must immediately match those grant funds with non-Federal dollars. We believe this latter requirement to be appropriate given the grantee institution's flexibility as to when to use its grant funds for

endowment purposes, and the limited amount of grant funds that may be used for that purpose.

We propose to amend §§ 606.10, 607.10, and 608.10 to implement these requirements by adding a new paragraph (d) relating to the use of grant funds by a grantee for establishing or increasing an endowment fund.

#### **Clarity of the Regulations**

Executive Order 12866 and the President's Memorandum of June 1, 1998 on "Plain Language in Government Writing" require each agency to write regulations that are easy to understand.

The Secretary invites comments on how to make these proposed regulations easier to understand, including answers to questions such as the following:

- Are the requirements in the proposed regulations clearly stated?
- Do the proposed regulations contain technical terms or other wording that interferes with their clarity?
- Does the format of the proposed regulations (grouping and order of sections, use of headings, paragraphing, etc.) aid or reduce their clarity?
- Would the proposed regulations be easier to understand if we divided them into more (but shorter) sections? (A "section" is preceded by the symbol "\$" and a numbered heading; for example, § 608.10 *What activities may be carried out under a grant?*)
- Could the description of the proposed regulations in the **SUPPLEMENTARY INFORMATION** section of this preamble be more helpful in making the proposed regulations easier to understand? If so, how?
- What else could we do to make the proposed regulations easier to understand?
- Send any comments that concern how the Department could make these proposed regulations easier to understand to the person listed in the **ADDRESSES** section of the preamble.

#### **Regulatory Flexibility Act Certification**

The Secretary certifies that these proposed regulations would not have a significant economic impact on a substantial number of small entities. These proposed regulations would affect small institutions of higher education using grant funds for endowment fund purposes under the Developing Hispanic-Serving Institutions, Strengthening Institutions, or Strengthening Historically Black Colleges and Universities Programs. However, the regulations implement statutory amendments applicable to the award of grant funds under these programs and are not expected to have a significant economic impact on the institutions affected.

#### **Paperwork Reduction Act of 1995**

These proposed regulations do not contain any information collection requirements.

## Intergovernmental Review

These programs are subject to Executive Order 12372 and the regulations in 34 CFR part 79. One of the objectives in the Executive order is to foster an intergovernmental partnership and a strengthened federalism. The Executive order relies on processes developed by State and local governments for coordination and review of proposed Federal financial assistance.

This document provides early notification of our specific plans and actions for these programs.

## Assessment of Educational Impact

The Secretary particularly requests comments on whether these proposed regulations would require transmission of information that any other agency or authority of the United States gathers or makes available.

## Electronic Access to This Document

You may view this document, as well as all other Department of Education documents published in the **Federal Register**, in text or Adobe Portable Document Format (PDF) on the Internet at either of the following sites:

<http://ocfo.ed.gov/fedreg.htm>

<http://www.ed.gov/news.html>

To use the PDF you must have the Adobe Acrobat Reader Program with Search, which is available free at either of the previous sites. If you have questions about using the PDF, call the U.S. Government Printing Office (GPO), toll free, at 1-888-293-6498; or in the Washington, D.C., area at (202) 512-1530.

**Note:** The official version of this document is the document published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available on GPO Access at: <http://www.access.gpo.gov/nara/index.html>

(Catalog of Federal Domestic Assistance Numbers: 84.031S, 84.031A, and 84.031B)

## List of Subjects in 34 CFR Parts 606, 607, and 608

Colleges and universities, Grant programs-education, Reporting and recordkeeping requirements.

Dated: March 13, 2000.

**A. Lee Fritschler,**

*Assistant Secretary, Office of Postsecondary Education.*

For the reasons discussed in the preamble, the Secretary proposes to amend title 34 of the Code of Federal Regulations by amending parts 606, 607, and 608 as follows:

## PART 606—DEVELOPING HISPANIC-SERVING INSTITUTIONS PROGRAM

1. The authority citation for part 606 continues to read as follows:

**Authority:** 20 U.S.C. 1101 *et seq.*, unless otherwise noted.

2. Section 606.10 is amended by adding a new paragraph (d) to read as follows:

### § 606.10 What activities may and may not be carried out under a grant?

\* \* \* \* \*

(d) *Endowment funds.* If a grantee uses part of its grant funds to establish or increase an endowment fund, it must comply with the provisions of §§ 628.3, 628.6, 628.10, and 628.41 through 628.47 of this chapter with regard to the use of those funds, except—

(1) The definition of the term “endowment fund income” in § 628.6 of this chapter does not apply. For purposes of this paragraph (d), “endowment fund income” means an amount equal to the total value of the fund, including fund appreciation and retained interest and dividends, minus the endowment fund corpus;

(2) Instead of the requirement in § 628.10(a) of this chapter, the grantee institution must match each dollar of Federal grant funds used to establish or increase an endowment fund with one dollar of non-Federal funds; and

(3) Instead of the requirements in § 628.41(a)(3) through (a)(5) and the introductory text in § 628.41(b) and § 628.41(b)(2) and (b)(3) of this chapter, if a grantee institution decides to use any of its grant funds for endowment purposes, it must match those grant funds immediately with non-Federal funds when it places those funds into its endowment fund.

## PART 607—STRENGTHENING INSTITUTIONS PROGRAM

3. The authority citation for part 607 continues to read as follows:

**Authority:** 20 U.S.C. 1057–1059c, 1066–1069f, unless otherwise noted.

4. Section 607.10 is amended by adding a new paragraph (d) to read as follows:

### § 607.10 What activities may and may not be carried out under a grant?

\* \* \* \* \*

(d) *Endowment funds.* If a grantee uses part of its grant funds to establish or increase an endowment fund, it must comply with the provisions of §§ 628.3, 628.6, 628.10 and 628.41 through 628.47 of this chapter with regard to the use of those funds, except—

(1) The definition of the term “endowment fund income” in § 628.6 of this chapter does not apply. For the purposes of this paragraph (d), “endowment fund income” means an amount equal to the total value of the fund, including fund appreciation and retained interest and dividends, minus the endowment fund corpus;

(2) Instead of the requirement in § 628.10(a) of this chapter, the grantee institution must match each dollar of Federal grant funds used to establish or increase an endowment fund with one dollar of non-Federal funds; and

(3) Instead of the requirements in § 628.41(a)(3) through (a)(5) and the introductory text in § 628.41(b) and § 628.41(b)(2) and (b)(3) of this chapter, if a grantee institution decides to use any of its grant funds for endowment purposes, it must match those grant funds immediately with non-Federal funds when it places those funds into its endowment fund.

## PART 608—STRENGTHENING HISTORICALLY BLACK COLLEGES AND UNIVERSITIES PROGRAM

5. The authority citation for part 608 continues to read as follows:

**Authority:** 20 U.S.C. 1060 through 1063a, 1063c, 1066, 1068, 1069c, 1069d, and 1069f, unless otherwise noted.

6. Section 608.10 is amended by adding a new paragraph (d) to read as follows:

### § 608.10 What activities may be carried out under a grant?

\* \* \* \* \*

(d) *Endowment funds.* If a grantee uses part of its grant funds to establish or increase an endowment fund, it is subject to the provisions of §§ 628.3, 628.6, 628.10 and 628.41 through 628.47 of this chapter with regard to the use of those funds, except—

(1) The definition of the term “endowment fund income” in § 628.6 of this chapter does not apply. For purposes of this paragraph (d), “endowment fund income” means an amount equal to the total value of the fund, including fund appreciation and retained interest and dividends, minus the endowment fund corpus;

(2) Instead of the requirement in § 628.10(a) of this chapter, the grantee institution must match each dollar of Federal grant funds used to establish or increase an endowment fund with one dollar of non-Federal funds; and

(3) Instead of the requirements in § 628.41(a)(3) through (a)(5) and the introductory text in § 628.41(b) and § 628.41(b)(2) and (b)(3) of this chapter, if a grantee institution decides to use

any of its grant funds for endowment purposes, it must match those grant funds immediately with non-Federal funds when it places those funds into its endowment fund.

[FR Doc. 00-6650 Filed 3-20-00; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Office of the Secretary

#### 49 CFR Part 40

[Docket No. OST-99-6578]

RIN 2105-AC49

#### Procedures for Transportation Workplace Drug and Alcohol Testing Programs

**AGENCY:** Office of the Secretary, DOT.

**ACTION:** Notice of proposed rulemaking; forum announcement.

**SUMMARY:** This document announces an electronic public discussion forum through which the public may provide comment on the U.S. Department of Transportation's (DOT) notice of proposed rulemaking (NPRM) to revise the Department's drug and alcohol testing procedures, published in the **Federal Register** on December 9, 1999

(64 FR 69076). The electronic public discussion forum (commonly referred to as a "bulletin board") will be available to the public for a three-day period from April 3, 2000 through April 5, 2000. The electronic public discussion forum is an alternative means by which the public may provide comments, or have last-minute questions addressed, on the drug and alcohol procedures originally published at 64 FR 69076 on December 9, 1999. All comments, questions, and answers will become part of the total docket package.

**DATES:** The electronic public discussion forum will be available to the public from 12:00 AM, EST, April 3, 2000 through 11:59 PM, EST, April 5, 2000.

**ADDRESSES:** The Internet address for the electronic public discussion forum is <http://dot.kudosnet.net/>. Comments addressed to this site will become part of the Dockets Management System, U.S. Department of Transportation, Room PL-401, 400 Seventh Street, SW., Washington, DC 20590-0000.

**FOR FURTHER INFORMATION CONTACT:** For general information on the electronic public discussion forum, contact Kenneth Edgell, Office of Drug and Alcohol Policy and Compliance, U.S. Department of Transportation, Room 10403, 400 Seventh Street, SW., Washington, DC 20590, telephone

number (202) 366-3784, fax number (202) 366-3897, or e-mail at [kenneth.edgell@ost.dot.gov](mailto:kenneth.edgell@ost.dot.gov).

**SUPPLEMENTARY INFORMATION:** The purpose of the electronic public discussion forum is to provide an alternative capacity for gathering comments on the Department's proposed drug and alcohol procedures. Another capability of the bulletin board-type system is to allow interchange between the public and the Office of Drug and Alcohol Policy and Compliance to attempt to clarify issues, or answer last-minute questions, for the public through a question and answer format. Topics can be generated, questions may be posed, and clarification will be provided (by ODAPC). All of the interchange (e.g., question, answers, comments) generated in this context will be viewable by all users of the system. Specific instructions for use of the electronic public discussion forum will be provided at the Internet site.

Issued this 15th day of March, 2000, at Washington, DC.

**Mary Bernstein,**

*Director, Office of Drug and Alcohol Policy and Compliance, Department of Transportation.*

[FR Doc. 00-6879 Filed 3-20-00; 8:45 am]

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